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DNR-FS-2020-04

SMALL BUSINESS COMPLIANCE GUIDE  
Amendment to Subtitle 02 Fisheries Service  
Regarding the Department's Regulations for Oysters  
COMAR 08.02.04.01  
Released May 4, 2020

This Guide is prepared in accordance with the requirements of State Government Article, §10-110, Annotated Code of Maryland. It is intended to help small businesses comply with the revised rules adopted in the above-referenced sections of the Code of Maryland Regulations. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small businesses, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply.

The Department will clarify or update the text of the Guide as an idea moves through the regulatory process. Direct your comments and recommendations, or calls for further assistance, to Fishing and Boating Services Regulatory Division:

410-260-8300  
410-260-8DNR; toll free in Maryland 877-620-8DNR; TTY Users Call via the Maryland Relay  
Fax: 410-260-8310

## I. SUMMARY & FAQs

### **What is being considered?**

The department is considering revising the patent tong line in the Patuxent River. One area, approximately 8 acres, will be added to allow for patent tongs.

### **Why is this change necessary?**

The department received a request to change the patent tong line in the lower third of the Patuxent River to include a small area of oyster bottom. The area being added is currently open to harvest by hand tong and by diving. By changing the line, patent tonging will also be allowed in this small area. The boundary of the sanctuary will not change.

### **Who will this affect?**

This action applies to commercial and recreational oyster harvesters.

### **Has this change been discussed with advisory commissions?**

This change was brought to the department's attention in 2019 and discussed at the October 2019 Tidal Fish Advisory Commission meeting. It was also discussed at the Oyster Advisory Commission on March 9, 2020. The Calvert and St. Mary's County Oyster Committees have been contacted.

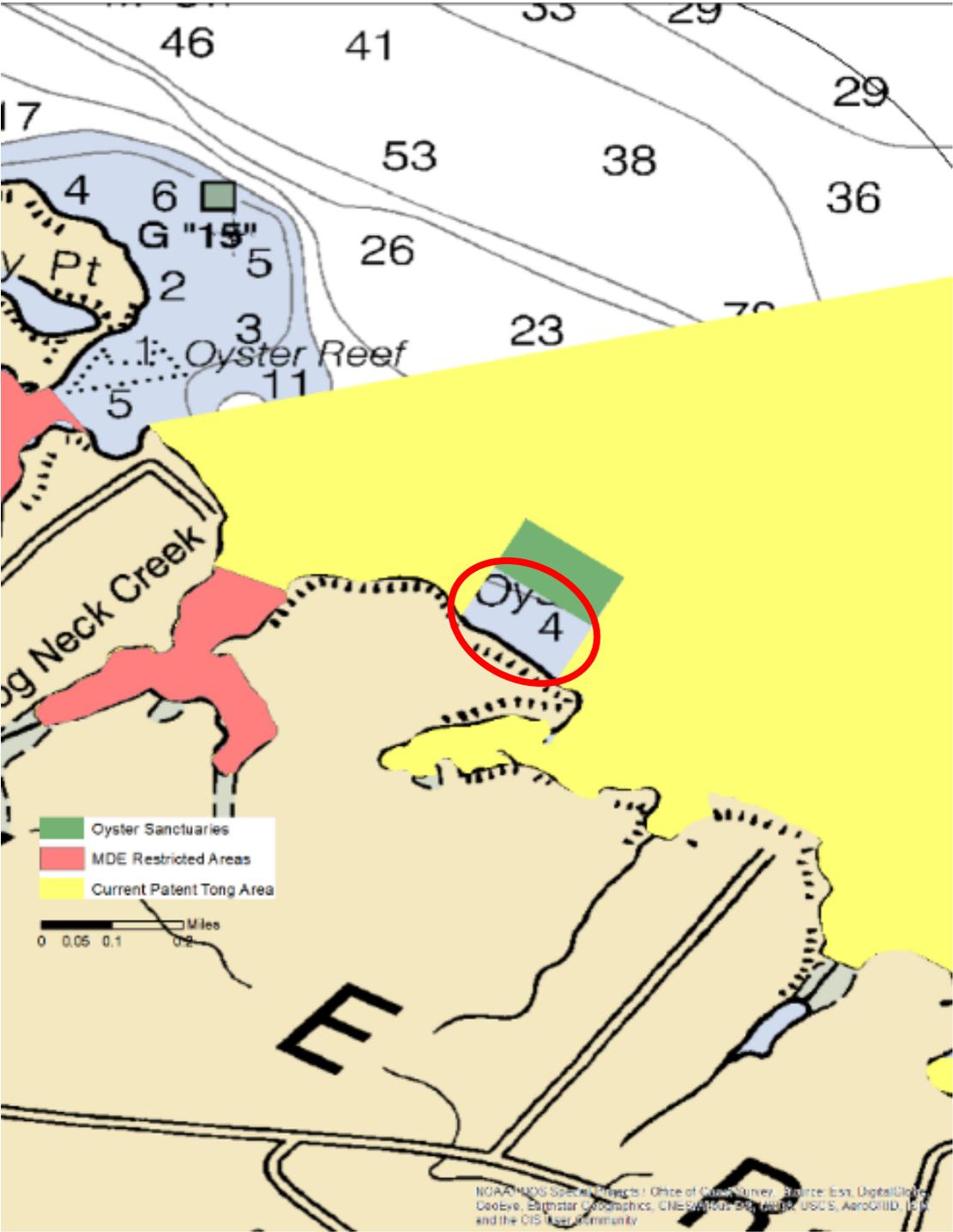
This idea was scoped with the Sport Fisheries Advisory Commission and Tidal Fisheries Advisory Commission at their April 2020 meetings. Commissioners recommended moving forward with scoping.

### **What is the specific regulatory action?**

Amend Regulation .01 under COMAR 08.02.04 Oysters.

**Potential Addition to Patent Tong Area**

The current patent tong harvest area is in gold color. The area being added is circled in red and is located between the shore and Neal Addition Sanctuary (green). The sanctuary boundary will not change.



## **II. RECORDKEEPING AND REPORTING REQUIREMENTS**

This action does not create new permit, recordkeeping or reporting requirements.

## **III. IMPLEMENTATION DATE**

The department expects this change to be effective September 2020, however the exact date cannot be determined. The department will follow our normal scoping and proposal procedures.

This idea is in the scoping process (May 4—May 19). During the scoping process, the department gathers suggestions and ideas from stakeholders and others about how to solve a fishery problem or address a need. The goal of scoping is to identify issues, potential impacts, and reasonable alternatives associated with the issues so that management actions can be developed. After the public has had an opportunity to comment on possible management actions during the scoping process, the department considers these comments and develops an appropriate management strategy.

If the action is necessary and appropriate, the rules will be promulgated following the Administrative Procedures Act described in Title 10, Subtitle 1 of the State Government Article Annotated Code of Maryland.

- The General Assembly's Administrative, Executive, and Legislative Review Committee reviews the regulatory proposal for fiscal and legal analysis.
- The proposal is printed by the Division of State Documents in the Maryland Register.
- A 30 day public comment period begins on the day of publication.
- After review of the comments, the department may adopt the changes.
- If the department adopts the changes, they become effective after a notice is published in the Maryland Register that announces approval and the effective date.